IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.1127 OF 2005
IN
ARBITRATION NO.307 OF 2004

Smt.Bhikibai Dalichand Santokchand
since deceased & anr. .. Appellants

v/s.

Narpatraj Besarmal Mehta & ors. .. Respondents

Mr.D.G.Vora i/by Mr.Bharat Joshi for the appellants.

Mr.Basant Tilokani for the respondent No.2.

CORAM : R.M.LODHA AND
D.G.KARNIK, JJ.

DATED : 13th December, 2005

P.C.

From the memorandum of appeal, it transpires that the appellants are (1) Smt.Bhikibai Dalichand Santokchand and (2) M/s.Ambika Stores, a partnership firm through its partner Maganlal D. Jain. In so far as appellant No.1 is concerned, the cause title itself reveals that she is dead. Obviously, the appeal could not have been preferred by the dead person. In so far as appellant No.2- M/s.Ambika Stores is concerned, we find that no award has been passed against M/s.Ambika Stores who was respondent No.2 before the arbitrator. Obviously, M/s.Ambika Stores, therefore, cannot be aggrieved party to the award dated 31st March, 2004. It is true that

M/s.Ambika Stores was one of the petitioners in the arbitration petition challenging the award dated 31st March, 2004 but that would not make any difference in law.

2. The appeal, thus, is not competent and dismissed as such.

3. However, this will not preclude the aggrieved persons to challenge the judgment and order dated 29.8.2005 passed by the learned Single Judge in accordance with law.

(R.M. LODHA, J.)

(D.G. KARNIK, J.)